

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

In Re:)	
)	
Miriam Alicea Hassan and)	Case No. 13-13956-RGM
Mohamed Elsayed Hassan)	
)	Chapter 7
Debtors)	

**MOTION TO AVOID JUDICIAL LIEN
OF SCOTT ALAN WEIBLE, P.L.L.C**

COMES NOW the debtors, Miriam Alicea Hassan and Mohamed Elsayed Hassan, by counsel, and pursuant to 11 U.S.C. § 522(f) and move this Honorable Court to avoid the judicial lien of Scott Alan Weible, P.L.L.C. on their personal residence and in support of which state:

1. This court has jurisdiction over this proceeding under U.S.C. § 1334 and 157. This is a core proceeding.
2. On August 28, 2013, Debtors commenced this case by filing a voluntary petition for relief under Chapter 7 of Title 11 of the United States Bankruptcy Code.
3. Debtors are the owners of real property situated at 3500 James Madison Highway, Haymarket , Virginia 20169, ("the real property"), said real property being more particularly described as:

**BEGINNING WITH AT A POINT IN THE NORTHWEST RIGHT-OF-
WAY OF JAMES MADISON HIGHWAY, A/K/A U.S. ROUTE 15, CORNER
TO PEYTON, PROCEEDING SOUTH 87 DEGREES 14'41" WEST, 480.94
FEET TO AN IRON POST UPON CORNER TO PEYTON, PERRY AND
SMITH, THEN PROCEEDING WITH PERRY NORTH 2 DEGREES, 39'40"**

1176.56 ACRES TO A POINT TO AN IRON POST FOUND AT THE CORNER TO SMITH, PERRY AND LEE, PROCEEDING WITH THE BOUNDARY OF LEE, SOUTH 82 DEGREES, 37'27" EAST 582.57 FEET TO AN IRON POST FOUND AT THE CORNER TO LEE AND SMITH AT THE EDGE OF THE RIGHT-OF-WAY OF JAMES MADISON HIGHWAY, BEING U.S. ROUTE 15, THENCE PROCEEDING WITH THE RIGHT-OF-WAY OF U.S. ROUTE 15 SOUTH, 8 DEGREES, 1'12" WEST 1,090.95 FEET TO THE POINT OF BEGINNING.

4. The debtors will testify that the fair market value of said real property is \$845,000.
5. The property is subject to a Deed of Trust held by Ocwen Loan servicing LLC. The debtors will testify that the current payoff is \$1,032,000.00.
6. On March 1, 2013 Scott Alan Weible P.L.L.C filed a judgment lien against the debtors in the land records of Prince William County, Virginia, Instrument No. 201208070074838.
7. Said judgment was for pre-petition debt.
8. Accordingly, this debt shall be discharged when debtors receive their Chapter 7 discharge.
9. 11 U.S.C. § 522 (f)(2)(A) provides that a lien shall be considered to impair an exemption to the extent that the sum of (i) the lien, (ii) all other liens on the property, and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property exceeds the value that the debtor's interest in the property would have in the absence of any liens.

10. Scott Alan Weible P.L.L.C.'s lien impairs said exemption to the extent that the sum of the his lien and Ocwen's Deed of Trust exceeds the value of Debtor's interest in said real property.

11. Therefore, Scott Alan Eeible P.L.L.C.'s lien is subject to avoidance in its entirety, pursuant to 11 U.S.C. § 522(f)(1).

WHEREFORE, Debtors Miriam Alicea Hassan and Mohamed Elsayed Hassan respectfully moves this Honorable Cour tto enter an Order avoiding the judicial lien of Scott Alan Weible P.L.L.C. on the Debtors' property and to grant such other relief as is just and proper.

Date: 11/6/2013

Respectfully submitted,
Miriam Alicea Hassan
Mohamed Elsayed Hassan
By Counsel

/s/ Nora Raum
Nora Raum, Counsel for the Debtor
VSB# 24780
2007 N. 15th Street, Suite 201
Arlington VA 22201
(703) 243-2044

Certificate of Service

I hereby certify that I have, this 6th day of November, 2013, mailed first class, postage prepaid true copies of the foregoing motion to Scott Alan Weible, P.L.L.C. at 14540 John Marshall Highway, Suite 201, Gainesville, Virginia 20155 and to H. Jason Gold, Trustee at 7925 Jones Branch Drive, Suite 6200, Mclean, Virginia 22102.

/s/ Nora Raum
Nora Raum